

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.8.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.1806 of 2018
and
C.M.P.No.14558 of 2018

1. The Government of Tamil Nadu,
rep. by the Additional Chief Secretary,
Department of School Education,
Fort St. George, Madras 600 009.
2. The Director of School Education,
D P I Campus, College Road,
Chennai 600 006.
3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Coimbatore 641 001
Coimbatore District.
4. The District Educational Officer,
The Office of the District Educational Officer,
Coimbatore 641 018. Coimbatore District. ... Appellants

Versus

1. Mrs.J.Suseela
2. The Correspondent,
St.Philomina's High School,
Sowripalayam,
Coimbatore 641 028. ... Respondents

Prayer:

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 31.7.2015 passed in M.P.No.3 of 2015 in W.P.No.6856 of 2015 on the file of this court.

M.P.No.3 of 2015:-

To direct the respondents to pay salary to the petitioner working as B.T.Assistant(History)in St.Philomina's High School, Sowripalayam, Coimbatore 641 028. with effect from 26.06.2013 pending Wp.No.6856 of 2015.

W.P.No.6856 of 2015:-

Writ of certiorarified Mandamus, calling for the records pertaining to the impugned G.O.(Ms).No.181 School Education (C2) Department dated 15.11.2011 on the file of the 1st respondent and quash the same in respect of the petitioner, directing the respondents to approve the appointment of the petitioner Mrs.J.Susheela as B.T.Assistant (His.) in St.Philomenas High School Sowripalayam Coimbatore 641 028 w.e.f. 26.6.2013 with all service benefits.

For appellants : Mr.C.Munusamy,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Government Advocate appearing for the appellants.

2. As against the interim order passed by the learned Single Judge directing the appellants to give temporary approval to the appointment of the writ petitioner in the post of B.T. Assistant and to pay salary till the disposal of the writ petition, the appeal is filed by the State on the ground that TET examination has not been passed by the candidate.

3. In similar circumstances, a Division Bench of this court, in SECRETARY TO GOVERNMENT v. S.JEYALAKSHMI ((2016) 7 MLJ 155), held that RTE Act, based on which TET qualification is considered as prescribed one for granting approval of the appointment, is not binding on the minority institutions. Moreover, the order under challenge in the present writ appeal being an interim one, the main writ petition itself had been disposed of subsequently. In that view of the matter, the appeal does not survive for consideration. Accordingly, it is dismissed as having become infructuous. No costs. The connected miscellaneous petition is also dismissed.

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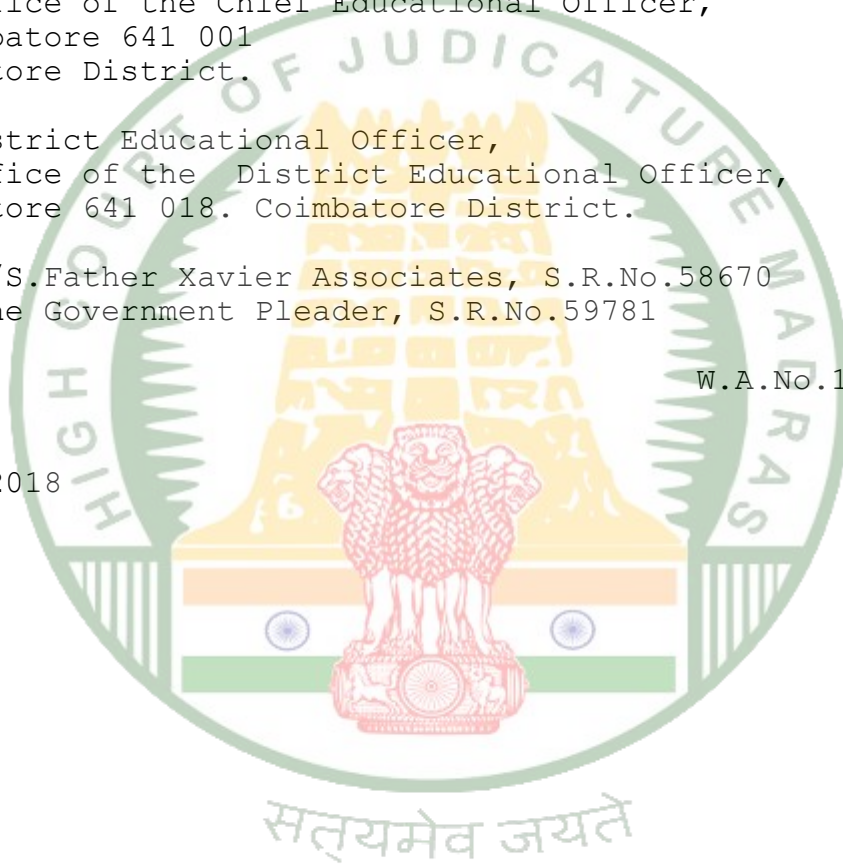
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+2cc to M/S.Father Xavier Associates, S.R.No.58670

+1cc to the Government Pleader, S.R.No.59781

W.A.No.1806 of 2018

RK(CO)
CS/11/10/2018



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